

- (2) ~~Alimony pendente lite~~; Postseparation support;
- (3) Custody and support of minor children;
- (4) Custody and support of a person incapable of self-support upon reaching majority; or
- (5) Divorce pursuant to G.S. 50-5.1 or G.S. 50-6.

(b) Notwithstanding the provisions of G.S. 1A-1, Rule 13(a), any action described in subdivision (a)(1) through (a)(5) of this section that is filed as an independent, separate action may be prosecuted during the pendency of an action for divorce under G.S. 50-5.1 or G.S. 50-6."

Sec. 11. G.S. 52B-7(b) reads as rewritten:

"(b) If a provision of a premarital agreement modifies or eliminates spousal support and that modification or elimination causes one party to the agreement to be eligible for support under a program of public assistance at the time of separation or marital dissolution, a court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility. Before the court orders support under this subsection, the court must find that the party for whom support is ordered is a dependent spouse, as defined by G.S. ~~50-16.1, 50-16.1A, and that there are grounds for alimony under G.S. 50-16.2 or alimony pendente lite under G.S. 50-16.3.~~ the requirements of G.S. 50-16.2A regarding postseparation support or G.S. 50-16.3A regarding alimony have been met."

Sec. 12. This act becomes effective October 1, 1995, and applies to civil actions filed on or after that date. This act shall not apply to pending litigation, or to future motions in the cause seeking to modify orders or judgments in effect on October 1, 1995.

In the General Assembly read three times and ratified this the 21st day of June, 1995.

H.B. 330

CHAPTER 320

AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM, THE CITY OF GASTONIA, AND THE CITY OF FAYETTEVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY IN THOSE CITIES TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS, AND TO CLARIFY THE AUTHORITY OF THE CITIES OF DURHAM AND ASHEVILLE TO DO THE SAME.

The General Assembly of North Carolina enacts:

Section 1. The Board of Aldermen of the City of Winston-Salem may, by ordinance, require that each owner of rental property within the city authorize a person residing in Forsyth County to serve as the owner's agent for the purpose of accepting service of process in an action involving a violation of an ordinance adopted under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes. The owner shall provide, on a form supplied by the Housing Services Department, the authorized agent's name, address, and phone number, and shall notify the Housing Services Department of any changes in the information provided not more than 10 days after such changes occur. Nothing in this section shall require an owner to designate